

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED
7/1/21 2:12 pm
CLERK
U.S. BANKRUPTCY
COURT - WDP

In re: : Case No.: 17-22229-GLT
: Chapter: 13
David O. Marshall, Sr. :
:
:
:
Debtor(s). : Date: 6/30/2021
Time: 11:00

PROCEEDING MEMO

MATTER: #118 - Motion to Reconsider Order denying Motion to Reconsider Dismissal
#123 - Certificate of No Objection

APPEARANCES:
Debtor: Michael S. Geisler

NOTES: (11:16)

Court: There was a hearing on April 7, and while the plan payment was \$885/month, the debtor was only paying \$700/month. At that hearing I indicated a wage attachment needed to be put in place along with an amended plan to cure the existing arrears. When nothing was done, the case was dismissed. The court gave clear directives on how to get this case back on track.

Geisler: We're near the end of the case and there's not much left to be done. The debtor has sufficient income to make the payments. There were \$1,200 in unpaid taxes. I don't know if I could have complied with the court's directive because there was no attachable income.

Court: You could have filed something to indicate how the increased obligation would be taken care of.

Geisler: We need \$1,000/month now. A lot of the delay was because of communication with my client. But I missed it, there's a pattern, I don't have staff here because of the pandemic.

Court: Is the case being monitored? It should have been apparent that the debtor, although making consistent payments, was accruing a growing plan arrears. This was highlighted at the prior hearing and the fix was identified in both the proceeding memo and the actual order that followed. These identified what needed to be done, and I waited another two weeks before taking further action.

Geisler: I use Google Tasks and I guess it just didn't get added.

Court: I will reinstate the case because it would not be fair to the debtor to keep it dismissed, but these missed deadlines need to stop.

OUTCOME:

1. Debtor's *Motion to Reconsider Order denying Motion to Reconsider Dismissal* [Dkt. No. 118] is GRANTED. [DB to Issue Proposed Order at Dkt. No. 118-1]

DATED: 6/30/2021